

## AN ACT

ENTITLED, An Act to revise certain codes and standards regarding fire prevention.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-29B-2 be amended to read as follows:

34-29B-2. The State Fire Marshal shall establish a program of fire prevention, fire investigation, fire training, and public fire education. The secretary may promulgate rules, pursuant to chapter 1-26, to protect the health or safety of persons from fire and like emergencies, based on codes and standards set forth by the International Building Code, the International Fire Code, and the International Mechanical Code, 2009 editions, and referenced standards except such portions as are deleted, modified, or amended, unless the secretary finds that the strict application of the code is impractical and that the modification is in conformity with the intent and purpose of the code or standards. The rules may be adopted in the following areas:

- (1) The prevention of fires including:
  - (a) Fire safety regulations governing buildings used by the general public with the exception of health care facilities inspected by the Department of Health;
  - (b) Fire safety regulations governing lodging and eating establishments;
  - (c) Fire safety regulations governing multifamily residences housing six or more families. However, if a municipality has adopted regulations regarding multifamily residences that are in conformity with this chapter, they are the applicable regulations;
  - (d) Fire safety regulations governing publicly owned buildings;
  - (e) Fire safety regulations governing detention or correctional facilities, regardless of ownership; and
  - (f) Fire safety regulations governing day care facilities;

- (2) The manufacture, transportation, storage, sale, and use of combustible or flammable liquids or liquefied petroleum gases;
- (3) The means and adequacy of exit in case of fire;
- (4) The investigation of the cause, origin, and circumstances of fires and explosions;
- (5) The maintenance of fire cause and loss records;
- (6) The maintenance of a record of fire prevention inspections;
- (7) A program of fire service training and public fire education;
- (8) The review and approval of plans and specifications to determine compliance with applicable fire codes and statutes as it pertains to facilities dealing with combustible or flammable liquids and or liquid petroleum gases; and
- (9) The abatement of unsafe buildings or structures regulated by this chapter which constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, or abandonment.

Section 2. That § 13-25-15 be amended to read as follows:

13-25-15. For new construction after July 1, 2010, any rules adopted by the department shall use as a basis for their development the International Building Code, the International Fire Code, and the International Mechanical Code, 2009 editions, and referenced standards which may be modified, amended, or deleted if the secretary finds that strict application of the code is impractical and, furthermore, that the modification is in conformity with the intent and purpose of the code or standards.

Section 3. That § 34-38-26 be amended to read as follows:

34-38-26. Except as otherwise provided in this chapter, aboveground storage tanks shall comply with the applicable provisions of chapter 34 of the International Fire Code, 2009 edition.

Section 4. That § 34-38-29 be amended to read as follows:

34-38-29. Spill control shall be provided in accordance with chapter 34 of the International Fire Code, 2009 edition.

Section 5. That § 34-38-33 be amended to read as follows:

34-38-33. Any portion of a tank piping system that is in contact with the soil shall be protected from corrosion in accordance with chapter 34 of the International Fire Code, 2009 edition.

Section 6. That § 34-38-34 be amended to read as follows:

34-38-34. Delivery operations shall comply with applicable requirements of chapter 34 of the International Fire Code, 2009 edition. Dispensing operations shall comply with the provisions of chapter 34 of the International Fire Code, 2009 edition.

The delivery vehicle shall be separated from any aboveground tank by at least twenty-five feet.

Means shall be provided for determining the liquid level in each tank and this means shall be accessible to the delivery operator. Provisions shall be made either to automatically stop the delivery of fuel to the tank if the liquid level in the tank reaches ninety-five percent of capacity or to sound an audible alarm if the liquid level in the tank reaches ninety percent capacity.

A check valve, gate valve with quick-connect coupling, or a dry-break valve shall be installed in the piping at the point where connection and disconnection is made for delivery from a vehicle to any aboveground tank. This device shall be protected against tampering and physical damage.

If the delivery hose is connected directly to the tank, the fill line at the tank shall be equipped with a tight-fill device for connecting the hose to the tank.

Section 7. That § 34-38-35 be amended to read as follows:

34-38-35. For the purpose of implementing this chapter, the department may promulgate rules pursuant to chapter 1-26 to protect the health and safety of persons from fire, explosion and like emergencies based on codes and standards set forth by the International Building Code, the International Fire Code, and the International Mechanical Code, 2009 editions, and referenced

standards except such portions as are deleted, modified, or amended.

Section 8. That § 34-38-38 be amended to read as follows:

34-38-38. The provisions of this chapter apply to facilities constructed after July 1, 2010. Existing installations shall be permitted only if, in the opinion of local and state authorities, the existing installation does not constitute a distinct hazard to life or property.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 15

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 15

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State